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9
10 BEFORE THE DEPARTMENT OF CORPORATIONS
11 OF THE STATE OF CALIFORNIA

12 In the Matter of the Accusation of THE) File No.: 963-2269
13 CALIFORNIA CORPORATIONS)
14 COMMISSIONER,) ORDER SUSPENDING ESCROW AGENT'S
) LICENSE PURSUANT TO CALIFORNIA
15 Complainant,) FINANCIAL CODE SECTION 17608
)
16 vs.)
)
17 ELENDER ESCROW, INC.,)
)
18 Respondent.)
)

20
21 NOW THEREFORE the California Corporations Commissioner ("Commissioner") finds
22 that:

23 1. The Commissioner of the Department of Corporations ("Department") issued to the
24 Respondent Elender Escrow, Inc. ("Respondent") an escrow license pursuant to the California
25 Escrow Law (California Financial Code Section 17000 et seq.) on December 14, 2005.

26 2. Respondent has its principal place of business at 32 Journey, Suite 100, Aliso Viejo,
27 California 92656.

28 3. Pursuant to California Financial Code section 17406, all licensees under the Escrow Law

1 are required to file an annual audit report containing audited financial statements (“audit report”)
2 within one hundred and five (105) days after the close of their fiscal year. Respondent’s fiscal year
3 end was December 31, 2006. Accordingly, Respondent was required to file its audit report on or
4 before April 15, 2007.

5 6. On or about November 16, 2006, Complainant notified Respondent in writing that its
6 audit report was due on April 15, 2007. Respondent failed to file the audit report by the due date.

7 7. On or about May 10, 2007, a follow up letter was sent to Respondent concerning its
8 failure to file the audit report.

9 8. Respondent was notified in the letter that failure to file the audit report could result in
10 assessment of penalties, a special examination and/or administrative action.

11 9. Respondent has yet to file the audit report as required by California Financial Code
12 section 17406.

13 10. California Financial Code section 17602.5 provides in pertinent part as follows:

14 If any licensed escrow agent fails to make any reports required by law
15 or by the commissioner within ten (10) days from the date designated
16 for the making of the reports, or within any extension of time granted
17 by the commissioner, such failure shall constitute grounds for
the suspension or revocation of the license held by such escrow agent.

18 11. California Financial Code section 17608 provides in pertinent part:

19 The commissioner may, after notice and a reasonable opportunity to
20 be heard, suspend or revoke any license if he finds that:
21 (a) The licensee has failed to maintain in effect a bond required under the provisions
of this division.
22 (b) The licensee has violated any provision of this division or any
rule made by the commissioner under and within the authority of this
23 division.
24 (c) Any fact or condition exists which, if it had existed at the time of the original
application for such license, reasonably would have warranted the commissioner in
25 refusing originally to issue such license.

26 12. On March 14, 2008, the Commissioner issued a Notice of Intent to Issue Order
27 Suspending Escrow Agent’s License. Respondent was served on March 28, 2008 at 32 Journey,
28 Suite 100, Aliso Viejo, CA 92656.

1 13. The Department has not received a request for hearing from Respondent and the time
2 within which to request a hearing has expired.

3 14. The Commissioner finds that, by reason of the foregoing, Respondent has violated
4 California Financial Code section 17406, which constitutes grounds for the suspension of its escrow
5 agent's license.

6 THEREFORE, pursuant to California Financial Code section 17608 the escrow license
7 issued to Respondent Elender Escrow, Inc. is hereby suspended from April 25, 2008 until at least
8 May 25, 2008 and if the audit report remains unfiled, then the suspension shall remain in effect
9 until further Order of the Commissioner. This Order is effective as of the date hereof.

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11 Dated: April 25, 2008

12 Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

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14 By _____

15 ALAN S. WEINGER,
16 Lead Corporations Counsel
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